THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.25328 of 2005

Dated 29th November 2005

Between:

G.Nageshwaramma & another

…Petitioners

and

The Joint Collector, Gospadu Mandal,

Kurnool District.

…Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.25328 of 2005

O R D E R:

The petitioners state that themselves and others have formed into a self-help group, called as Annapurna Group in Kanalapalli village of Gospadu Mandal. Their group is named as Implementing Agency of Midday Meals Scheme. Through his order dated 29.8.2004, the Mandal Revenue Officer (MRO), Gospadu, discontinued the petitioners on certain allegations, and entrusted the same to another agency, called as Rudrama Devi Group. Earlier, the petitioners approached this Court, challenging the order of the MRO, mainly contending that they were not put on notice. The writ petition was disposed of, leaving it open to the petitioners to canvass their grievance before the respondent herein.

The respondent, in turn, issued notices to the petitioners and other affected parties. Through his order dated 4.8.2005, he set aside the order of the MRO, dated

29.8.2004, on the ground that he did not issue notices to the petitioners, before terminating their agency. However, he proceeded to observe that the group of the petitioners and the other group, to which the agency was entrusted, were having political rivalry, and directed the Revenue Divisional Officer (RDO), Nandyal, to undertake fresh selection for implementation of the Midday Meals Scheme. The petitioners feel aggrieved by the directions issued by the respondent, in relation to the appointment of another agency and non-restoration of their agency, consequent upon the orders of MRO being set aside.

Heard the learned counsel for the petitioners and learned Government Pleader for Education.

A perusal of the order, dated 29.8.2004, passed by the MRO discloses that he took the action indicated therein, without issuing any notice to the petitioners. When the petitioners approached this Court, they were required to approach the respondent herein. A detailed order was passed by the respondent on 4.8.2005. He took the view that the MRO did not give any opportunity to the petitioners, before ordering their removal. On that ground he has set aside the order passed by the MRO. Having done so, the respondent herein ought to have required the MRO to pass fresh orders, after complying with the principles of natural justice. Further, once the order passed against the petitioners was set aside, their agency is liable to be restored. The respondent disabled the other group also from functioning. There is an inherent contradiction in the impugned order, inasmuch as even after the order of removal passed by the MRO is set aside, the respondent directed the RDO to undertake selection of another agency. The same needs to be rectified.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. it shall be open to the MRO, Gospadu, to pass fresh orders, after issuing notice to the petitioners, pointing out the contraventions, if any, committed by them.

b. Till such orders are passed, the group of the petitioners shall be entitled to function as the agency, strictly in accordance with the terms and conditions, and without giving any scope for complaints from the students, or the management of the school.

c. The question of undertaking selection of another group, in the place of the group of the petitioners would arise, only after the expiry of the term, for which the petitioners have been appointed, or on termination of agency, if any, that may be ordered by the MRO, after conducting enquiry.

There shall be no order as to costs.

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29th November 2005

Note: Issue C.C. in two days.

(B/o)

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